

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FORD MOTOR COMPANY, et al.,

Plaintiffs,

v.

Case No. 08-CV-13503-DT

MICHIGAN CONSOLIDATED GAS COMPANY,

Defendant.

ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION TO COMPEL

On November 4, 2011, the court entered an order holding in abeyance Defendant's July 15, 2011 motion to compel, in anticipation of various pleading amendments and motion practice. Indeed, the parties have since agreed to an amendment of the complaint, and Plaintiffs have moved for entry of a consent decree. The hearing on that motion is currently set for May 2, 2012, and the resolution will likely dramatically shift the scope and future of this litigation and could also impact the parties' positions on the motion to compel. Rather than let the motion to compel linger indefinitely on the court's docket only to later be amended, supplanted, or perhaps withdrawn, the court will deny it *sua sponte*, without prejudice to Defendant's to re-file the motion, in identical or revised form, following the resolution of the motion for a consent decree. Accordingly,

IT IS ORDERED that Defendant's motion to compel [Dkt. # 84] is DENIED WITHOUT PREJUDICE.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 30, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 30, 2012, by electronic and/or ordinary mail.

S/ T. Bankston for Lisa Wagner

Case Manager and Deputy Clerk
(313) 234-5522